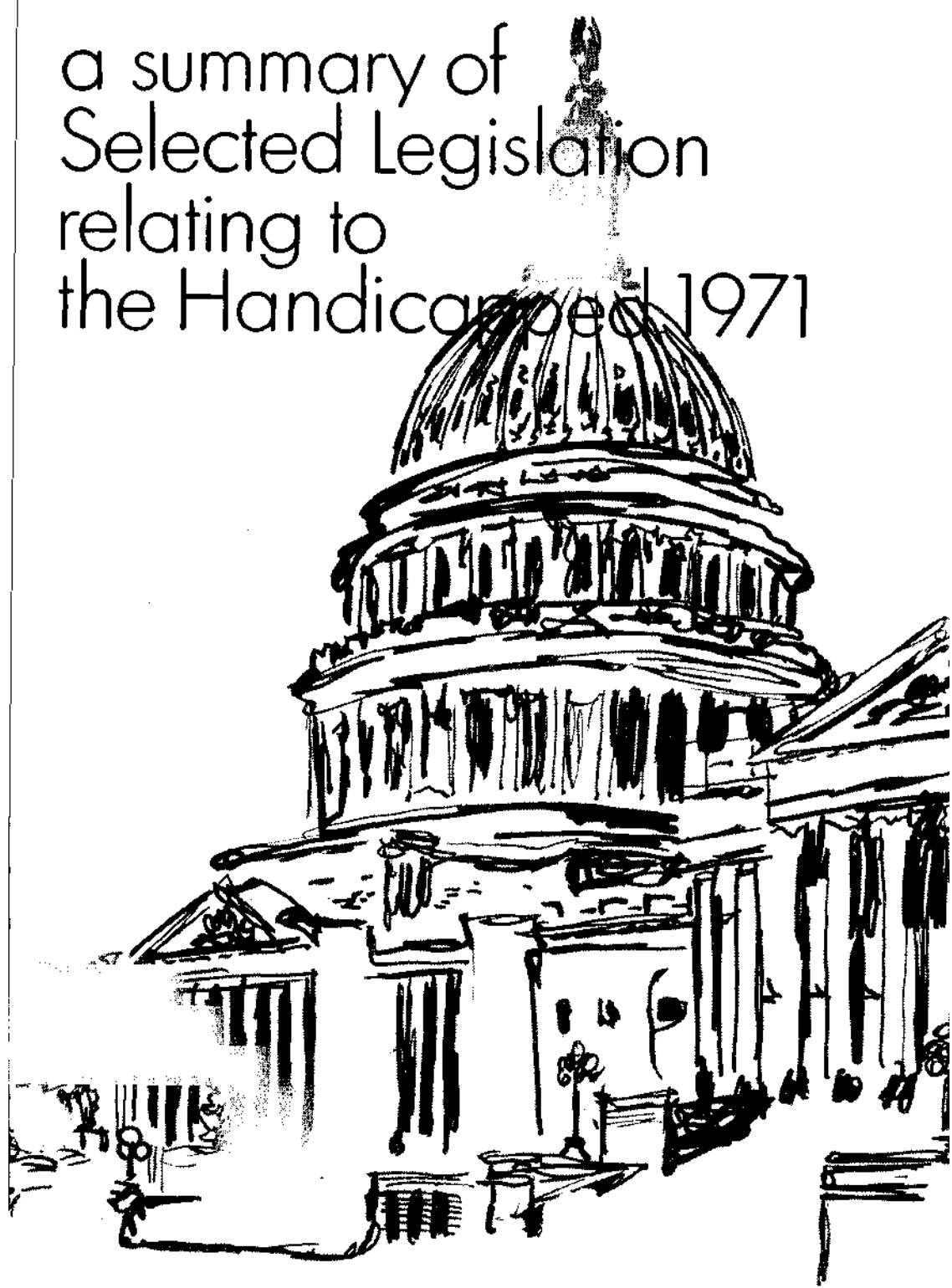


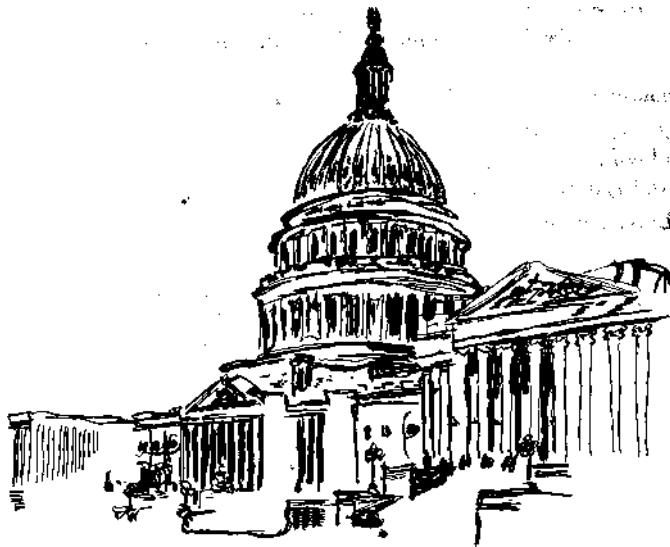
a summary of
Selected Legislation
relating to
the Handicapped 1971



Discrimination Prohibited

Title VI of the Civil Rights Act of 1964 states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Therefore, the mental retardation grants program, like every program or activity receiving financial assistance from the Department of Health, Education, and Welfare, must be operated in compliance with this law.

a summary of Selected Legislation relating to the Handicapped 1971



U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Elliot L. Richardson, Secretary

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Washington, D.C. 20201

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INTRODUCTION

This booklet contains brief synopses of legislation enacted by the 91st Congress which offer specific benefits to physically and mentally handicapped persons. It is designed to help program planners, students, professionals, and interested citizens gain a deeper insight into federal legislation affecting handicapped children and adults. These laws authorize programs which affect the handicapped in a variety of ways ranging from the initiation of specialized services to the designation of National Employ the Handicapped Week.

The individual legislative summaries are followed by two appendices. Appendix A contains a table which traces the development of each law through the legislative process. Appendix B provides cross references to individual summaries of laws found in the 1963-1967 and the 1968 federal legislative summaries¹, also published by the Secretary's Committee on Mental Retardation. In a number of instances, the legislation reviewed in this booklet amends or is closely related to laws summarized in these previous publications. We hope that the references to previous publications will aid readers in obtaining a fuller picture of a particular piece of legislation.

U.S. Department of Health, Education and Welfare, A Summary of Selected Legislation Relating to the Handicapped: 1963-67 (Washington, D.C., U.S. Government Printing Office, November, 1969); U.S. Department of Health, Education and Welfare, A Summary of Selected Legislation Relating to the Handicapped: 1968 (Washington, D.C., U.S.G.P.O., November, 1968).

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PART I. MAJOR LEGISLATION BENEFITTING THE HANDICAPPED

1. Developmental Disabilities Services and Facilities Construction Amendments of 1970 (P.L. 91-517)¹

General Scope: The Developmental Disabilities Amendments of 1970 significantly expand the scope and purposes of the Mental Retardation Facilities Construction Act of 1963. The new legislation is designed to provide states with broad responsibility for planning and implementing a comprehensive program of services and to offer local communities a strong voice in determining needs, establishing priorities, and developing a system for delivering services.

Implications for the Handicapped: Existing authority (Part C, Title I, P.L. 88-164) to aid in the construction of community facilities for the mentally retarded is replaced with a combined formula and project grant program covering both construction of facilities and the provision of services to persons with developmental disabilities. In addition, the scope of the existing program is broadened to include not only the mentally retarded but also persons suffering from other serious developmental disabilities originating in childhood.

The term developmental disability refers to "a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition found by the Secretary of Health, Education, and Welfare to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals..." In addition, the disability must be substantial in nature and must have originated before the individual reached age eighteen and have continued or be expected to continue indefinitely.

States may use formula grant funds authorized under Title I of the Act to support: (1) a full array of services required by developmentally disabled children and adults; (2) the construction of facilities; (3) state and local planning; (4) administration; (5) technical assistance; (6) training of specialized personnel; and (7) the development and demonstration of new service techniques.

Title I allotments to the states are calculated on the basis of population, need for services, and financial need of the state. However, each state will receive a minimum of \$100,000 per year.

Additional details on the provisions of P.L. 91-517 are provided in issue No. 70-5 of Programs for the Handicapped, dated December 7, 1970. Single copies are available without charge by writing the Secretary's Committee on Mental Retardation, DHEW Washington, D.C. 20201.

Appropriations Authorized (in millions)

Program	FY 1971	FY 1972	FY 1973
Title 1	\$60	\$105	\$130
Title II			
Construction	\$20	\$20	\$20
Demonstration and Training Grants	\$15	\$17	\$20

In order to qualify for federal funds under Title I a state must submit an acceptable state plan which includes among other provisions: (1) a complete description of state-wide services and facilities and how Title I funds will be used to extend existing programs; (2) specification of the categories of disabilities to be served; (3) designation of the state agency or agencies to administer the plan; and (4) establishment of an adequately staffed state planning and advisory council.

The federal matching percentage for services under this new program is 75% during FY 1971 and FY 1972 and 70% during FY 1973, except for projects in areas of urban and rural poverty which may qualify for 90% matching during the first two years and 80% during the third year.²

The Secretary of HEW is authorized to set aside 10% of funds appropriated under Title I for project grants of special national significance (up to 90% federal matching). In addition, the Secretary is directed to appoint a twenty-member National Advisory Council on Services and Facilities for the Developmentally Disabled, effective July 1, 1971.

Title II of PL 91-517 extends for three additional years authorizations for construction of university-affiliated facilities and adds a new project grant authority for demonstration and training programs.

2. Elementary and Secondary Education Amendments of 1969 (P.L. 91-230)

General Scope: The Elementary and Secondary Education Amendments of 1969 extend the basic federal assistance program for elementary and secondary school systems through FY 1973. Furthermore, the legislation creates a number of new programs, consolidates several existing authorities into broader and more flexible administrative formats, and codifies widely scattered sections of current legislation related to the education of the handicapped. Finally, the 1969 Act contains an overall provision for advanced appropriations for elementary and secondary education.

Implications for the Handicapped: Among provisions of the original 1965 Elementary and Secondary Education Act which were extended by P.L. 91-230

For matching ratio on construction grants see Part II, No. 3 on Page 6.

are: (1) aid to state-operated or state-supported schools for handicapped children under Title I (Education of Disadvantaged Children); (2) 15% earmarking of funds for the handicapped under Title II (Supplemental Educational Centers and Services); and (3) 10% earmarking of funds for handicapped children under the Vocational Education Act.

Title VI of the 1969 amendments consolidates into one act a number of previously separate legislative enactments related to handicapped children. This new consolidated authority is entitled the Education of the Handicapped Act.

Two new programs, one involving regional centers to develop methods of appraising special educational needs of handicapped children and another dealing with the development of model centers and services for deaf-blind children, were added to Part C of Title VI. Both of these programs are to be funded by project grants made by the Commissioner of Education. The grants for the regional resource centers must be made to institutions of higher education or to state and local education agencies. Public or non-profit-private organizations are eligible for assistance in establishing model centers and services for deaf-blind children. These latter grants are to be made only after the Commissioner has weighed the area's need for such services.

A third new program authorized under Part G of Title VI is aimed at improving the education of children with specific learning disabilities.

The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical work

Part G programs, however, do not extend to children who have learning problems which result primarily from visual, hearing, or motor handicaps, from mental retardation or emotional disturbance, or from environmental disadvantage. Public and non-profit-private agencies or organizations are eligible to apply through state education agencies for project grants to develop programs under this new authority.

Program	Authorized FY 1971	"Appropriated FY 71	Authorized FY 1972	Percent Budget Request 72	Authorized FY 1973
Grants-in-Aid (Part B)	200.0	34.00	210.0	35.00	220.0
Special Needs (Part C)	36.5	15.05	51.5	16.05	66.5
Training (Part D)	69.5	33.10	87.0	35.15	103.5
Research (Part E)	27.0	15.30	35.5	15.76	45.0
Instructional Media (Part F)	12.5	6.00	15.0	6.00	20.0
Specific Learning Disabilities (Part G)	20.0	1.00	31.0	1.50	31.0

*In millions.

PART II: OTHER LEGISLATION BENEFITING THE HANDICAPPED

1. Lead-Based Paint Poisoning Prevention Act (P. L. 91-695)

General Scope: The Lead-Based Paint Poisoning Prevention Act authorizes grants to help cities and communities detect, treat, and eliminate lead-based paint poisoning. It also calls for federal demonstration and research programs to determine the nature and extent of the lead-based paint poisoning problem, especially in the urban areas of the United States. Finally, it gives the Secretary of HEW authority to impose conditions necessary to prohibit the use of lead-based paints in residential facilities constructed or rehabilitated with federal funds.

Implications for the Handicapped: 1971 estimates from the Bureau of Community Environmental Management, DHEW, indicate that of 250,000 - 400,000 possible cases of lead poisoning occur annually, fifty percent of afflicted children may have some degree of residual physical handicaps and 6,000 - 8,000 may suffer from varying degrees of mental retardation. Victims of this disease are likely to be pre-school children living in urban ghettos. Such children can develop chronic symptoms of lead poisoning by eating as little as a few leaded paint chips the size of an adult's thumbnail each day for a period of three months.

Title I of the Act authorizes grants to assist units of local government in developing and carrying out programs to detect and treat incidents of lead-based paint poisoning. Local activities may include educational, testing, and follow-up programs and training for community staff. The federal share of the cost of developing and implementing a local program is up to 75 percent.

Title II of the Act makes available grants to local governments for identifying areas presenting a high risk of lead-based paint poisoning. Programs under this title must provide for testing residential housing surfaces and for prompt elimination of lead-based paint on interior and exterior surfaces exposed to children.

Finally, the new law allows the Secretary of HEW to take whatever steps may be necessary to prohibit the use of lead-based paint in residential structures constructed or rehabilitated with federal funds.

Appropriations Authorized: (in millions)

Program	FY 1971	FY 1972
Directing & Testing	\$3.33	\$ 6.66
Elimination	\$5.00	\$10.00
Demonstration & Research	\$1.67	\$ 3.34

2. Older Americans Act Amendments of 1969 (P.L. 91-69)

General Scope: The 1969 amendments to the Older Americans Act of 1965: (1) extend for three additional years funding authorizations for existing programs; (2) require that the plan of each State for programs related to the legislation provide for state-wide planning, coordination, and evaluation; (3) authorize federal financial assistance up to 75% of the cost of area-wide model projects on aging; and (4) create a National Older Americans Volunteer Program under a new Title VI.

Implications for the Handicapped: Two programs authorized under Title VI - the Retired Senior Volunteer Program and the Foster Grandparents Program - are of significance to the handicapped.

Statutory authority for the Foster Grandparent Program, formerly an Office of Economic Opportunity program administered under contract by HEW, is transferred to the Older Americans Act. Under the program the Secretary of Health, Education, and Welfare is authorized to pay public and non-profit private agencies and organizations up to 90% of the costs of developing and operating projects designed to give low income, aged persons opportunities to serve children with exceptional needs in health, education, and welfare settings. In FY 1970 an estimated 7,500 mentally retarded children received services from approximately 3,000 foster grandparents. Approximately 70 percent of the foster grandparents involved in the program worked with the mentally retarded.

The new Retired Senior Volunteer Program authorizes Federal grants to and contracts with public and non-profit private agencies and organizations to develop and operate community volunteer service programs in which participants in the program (other than administrators) are required to be persons aged 60 or over. Volunteers cannot be compensated for their services, but may be reimbursed for transportation, meals, and other incidental expenses. Short-term training programs for these volunteers are also authorized.

Appropriations: For FY 1971, \$500,000 was appropriated for grants or contracts under the Retired Senior Volunteer Program, and \$5 million has been budgeted for FY 1972. Appropriations for the Foster Grandparents Program were \$9,250,000 in FY 1970 and \$10,500,000 in FY 1971; and 10,500,000 is in the budget for FY 1972.

3. Community Mental Health Centers Amendments of 1970 (P.L. 91-211)

General Scope The 1970 Community Mental Health Centers Amendments extend for three additional years authorizations for construction and staffing of community mental health centers, continue federal grant assistance for treatment of alcoholics and narcotic addicts, and initiate a new grant program for facilities providing services to mentally ill children

Implications for the Handicapped This legislation amends Title IV of Public Law 88 164 to increase the federal share, not to exceed 90% of construction costs for community mental health centers and community facilities for the mentally retarded which are serving areas of urban and rural poverty. Federal share for facilities for the developmentally disabled may not exceed 66-2/3% of the total cost. In areas of urban and rural poverty the Federal share may not exceed 90% of the costs of construction. Ninety percent federal matching is authorized in poverty areas designated under regulations issued by the Secretary of HEW.

A new section of the legislation provides federal project grants for construction and staffing expenses incurred by new facilities to provide mental health services for children or by existing facilities which are adding such services to their present programs. The federal matching ratio for construction projects is up to 66 2/3% in non-poverty areas and 90% in poverty areas. Staffing grants are awarded on a declining matching basis over an eight year period with federal aid ranging from 80% in the first two years to 30% in years six through eight (90-70% in poverty areas).

Appropriations Authorized \$20 million is authorized in 1972 and \$20 million in FY 1973 for construction and staffing grants to treatment facilities for mentally ill children as well as training and evaluation activities related to this area. In addition, such sums as are necessary to continue staffing grants initiated under this new authority are called for throughout the eight years subsequent to FY 1972.

4. Housing and Urban Development Act of 1970 (P.L. 91-609)

General Scope: The Housing and Urban Development Act of 1970 amends and extends a variety of programs initiated under the National Housing Act. The Act deals with mortgage credit, urban renewal, and housing assistance programs, model cities, crime insurance, new community development, and other federally-supported programs related to housing and national growth.

Implications for the Handicapped: Section 207 of Title II of the 1970 Act limits the amount of contracts for congregate housing for the displaced, elderly, and handicapped to not more than 10% of the federal annual contribution to

public housing. In addition, such housing may include central dining and other shared facilities and still be eligible for federal mortgage credit.

5. Urban Mass Transportation Assistance Act of 1970 (P.L. 91-453)

General Scope: The general purpose of the Urban Mass Transportation Assistance Act of 1970 is to provide long-term financing for expanded urban mass transportation programs. The legislation also contains special sections declaring national policies on environmental protection and transportation needs of the elderly and the handicapped.

Implications for the Handicapped: Section 16 of the new law requires that special efforts be made in designing mass transportation services and facilities so that they are available to elderly and handicapped persons. The Act authorizes the Secretary of Transportation to make grants or loans to state and local governments to provide for the special transportation needs of the elderly and the handicapped. The Secretary is authorized to set aside 1.5% of the amount appropriated under the Act for financing such programs.

6. Model Elementary School for the Deaf Act (P.L. 91-587)

General Scope: Public Law 91-587 authorizes Gallaudet College in the District of Columbia to provide day and residential facilities for the elementary education of the deaf. Kendall School is to be maintained for this purpose as a demonstration elementary school for the deaf, providing an educational program which will stimulate the development of similar excellent programs throughout the nation. It is to serve primarily the residents of the National Capital area.

Appropriations Authorized: Such sums as may be necessary to establish and operate this model elementary school for the deaf are authorized to be appropriated in each fiscal year.

7. District of Columbia Mental Health Code Amendments (P.L. 91-490)

General Scope: Public Law 91-490 updates the District of Columbia Code in so far as it applies to mentally retarded persons. In addition to making several improvements in terminology, the 1970 revisions provide for voluntary admission of patients to the District of Columbia institution for the mentally retarded.

Implications for the Handicapped: A person who is certified by the Director of Public Health to be substantially retarded and in need of care may seek voluntary admission to Forest Haven (formerly the D.C. Training School) by written application to the Director of Public Welfare. The new law provides that a voluntary resident must be released within 5 days after receipt of a written request for release. The Director is authorized to discharge any voluntarily admitted patient if the patient or members of the community will not be adversely affected by the discharge.

P.L. 91-490 also updates antiquated terminology in the code by eliminating terms such as "feeble-minded" and substituting "substantially retarded".

8. Vocational Rehabilitation Act Amendment (P.L. 91-610)

This Act extends for one year the authorization of programs under the Vocational Rehabilitation Act.

In Fiscal Year 1969 some 240,000 handicapped persons were rehabilitated in programs authorized by this legislation, including over 80,000 blind, 11,000 deaf, 9,000 amputees, 54,000 mentally ill, and 26,000 mentally retarded persons.

9. Social Security Amendments (P.L. 91-172 and P.L. 92-5)

Title X of the Tax Reform Act contains the Social Security Amendments of 1969. These amendments include an average 15% across-the-board increase in old-age, survivors, and disability insurance benefits. Under this Act the minimum monthly payment for retired or disabled workers was increased from \$55 to \$64. Public Law 92-5 dated March 17, 1971, further increased this minimum monthly payment to \$70.40. Among the 26 million beneficiaries who received some increase in benefits under these amendments are an estimated 168,000 retarded adults disabled in childhood.

10. Accessibility of Federal Facilities to Handicapped Act (P.L. 91-205)

This Act amends a 1968 statute relating to accessibility of federal facilities to the handicapped (42 U.S.C. 4151) by adding facilities constructed under laws authorizing the construction of the Washington, D.C. metropolitan area subway system.

11. National Employ the Handicapped Week Act (P.L. 91-442)

This Act amends a joint resolution passed by Congress in 1945 establishing the first week of October as National Employ the Physically Handicapped Week. P.L. 91-442 expands the purpose of the resolution to include all handicapped persons. The first week of October is now designated as National Employ the Handicapped Week.

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APPENDIX A:
Legislative History of Laws Relating to the Handicapped-1969-70

Title	Bill No.	Data introduced	Committee		Data reported		Report No.		Page of passage in Cong. Record		Date of passage		Public Law	
			House	Senate	House	Senate	House	Senate	House	Senate	House	Senate	Date approved	No.
I.1. Authorizing funds for increased facilities for mental retardation programs.	S.2846 (H.R.14237)	Aug. 13 1969	IFC	LPW	July 6	Apr. 6	91-1277	91-757	H7466	S5629	July 30	Apr. 13	Oct. 30	91-517
1.2. To extend programs of assistance for elementary and secondary education.	H.R.514 (S.J.Res.199)	Jan. 3 1969	EdL	LPW	May 24 1969	Jan. 21	91-114	91-634	H3004	S2042	Apr. 23 1969	Feb. 19	Apr. 13	91-230
11.1. To provide assistance in developing and administering lead-based paint elimination programs.	H.R.19172	Sept. 14	BC	LPW	Sept. 23	Dec. 14	91-1463	91-1432	H9577	S20442	Oct. 5	Dec. 17	Jan. 13 1969	91-695
II.2. Proposed Older Americans Act Amendments of 1969.	H.R.11235	May 14	EdL	LPW	June 5	Aug. 5	91-285	91-340	H4798	S9879	June 16	Aug. 13	Sept. 17	91-69
11.3. To provide grants for construction of community mental health centers.	S.2523 (H.R.14086)	July 1 1969	IFC	LPW	Dec. 10 1969	Dec. 8 1969	91-735	91-583	H12508	S16409	Dec. 16 1969	Dec. 11 1969	Mar. 13	91-211
11.4. Providing for the establishment in the National Capital area of a National Media Center for the Handicapped.	S.1611	Mar. 20	EdL	LPW	July 28	May 22	91-395	91-125	H6831	S5570	Aug. 4	May 23	Aug. 20	91-61
11.5. Housing and Urban Development Act of 1970.	H.R.19436	Sept. 23	BC	BC	Oct. 5	Sept. 21	91-1556	91-1216	H11110	S19712	Dec. 3	Dec. 8	Dec. 31	91-609
II.6. To provide long-term financing for expanded urban mass transportation programs.	S.3154 (H.R.18185)	Nov. 19 1969	BC	BC	June 30	Dec. 22 1969	91-1264	91-633	H9377	S1134	Sept. 29	Feb. 3	Oct. 15	91-453
11.7. To authorize Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf.	S.4083	July 14	EdL	LPW	Dec. 3	Aug. 5	91-1658	91-1070	H11237	S13130	Dec. 7	Aug. 11	Dec. 24	91-587

11.8	To revise certain criteria for handling mentally retarded persons in the Forest Haven Institution in the District of Columbia.	H.R.4182	Jan. 23 1969	DC	DC	Apr. 24 1969	Sept. 9	91-165	91-1163	H3126	S15176	Apr. 28 1969	Sept. 11	Oct.:22	91-490
11.9.	To extend for 1 year the authorization for various programs under the Vocational Rehabilitation Act.	H.R.19401	Sept. 22	EdL	LPW	Dec. 3	Dec. 14	91-1660	91-1433	H11234	S20444	Dec. 7	Dec. 17	Dec. 31	91-610
11.10.	Tax Reform Act of 1969	H.R.13270	Aug. 1	WM	Fin	Aug. 2	Nov. 21	91-413	91-562	H7161	SI 6459	Aug. 7	Dec. 11	Dec. 30	91-172
11.11.	To insure that certain federally constructed facilities be constructed so as to be accessible to the physically handicapped.	H.R.14464	Oct. 22 1969	PW	PW	Dec. 12 1969	Feb. 6	91-750	91-658	H12430	S1619	Dec. 15 1969	Feb. 10	Mar. 5	91-205
11.12.	To broaden National Employ the Physically Handicapped Week to apply to all handicapped workers.	S.J.Res.110	May 13 1969		Jud		Sept. 21		91-1208	H9431	S16266	Sept. 30	Sept. 23	Oct. 8	91-442
II.13.	To improve family planning services and population research activities of the Federal Government.	S.2108 (H.R.19318)	May 8 1969	IFC	LPW	Sept. 26	July?	91-1472	91-1004	H10302	S11179	Nov. 16	July 14	Dec. 24	91-672
11.14.	To extend the Migrant Health Act for 3 years, and providing increased authorizations therefor.	H.R.14733 (S.2660)	Nov. 6 1969	IFC	LPW	Dec. 9 1969	Dec. 18 1969	91-711	91-618	H12513	S17320	Dec. 16 1969	Dec. 19 1969	Mar. 12	91-209

Note.—The bills in parentheses are companion measures.

TABLE OF COMMITTEE ABBREVIATIONS

BC Banking and Currency
DC District of Columbia
EdL Education and Labor

Fin Finance
IFC Interstate and Foreign Commerce
Jud Judiciary

LPW Labor and Public Welfare
PW Public Works
WM Ways and Means

APPENDIX B:
Cross-References to Legislation in 1963-67 and 1968 Summaries Amended by or Related to Laws
Reviewed in 1969-70 Summary

1969-70 Law	Amended or Related Law	1963-67 Summary Page*	1968 Summary Page#
1.1. Developmental Disabilities Services and Facilities Construction Amendments of 1970 (P.L. 91-517)	Mental Retardation Facilities Construction Act	2, 8	
1.2. Elementary and Secondary Education Amendments of 1969 (P.L. 91-230)	Elementary and Secondary Education Act Federal Assistance to State Operated and Supported Schools for Handicapped Handicapped Children's Early Education Assistance Act	3, 11, 24, 30 19	3
II.3. Community Mental Health Centers Amendments of 1970 (P.L. 91-211)	Community Mental Health Centers Construction Act	8, 25	
11.4. National Center on Educational Media and Materials for the Handicapped Act (P.L. 91-61)	Captioned Films for the Deaf Act	19	
II.7. Model Elementary School for Deaf Act (P.L. 91-587)	Model Secondary School for the Deaf Act	23	7
11.9. Vocational Rehabilitation Act Amendments of 1970 (P.L. 91-610)	Vocational Rehabilitation Act	4 , 20, 26	
11.10. Social Security Amendments of 1969 (P.L. 91-172)	Social Security Amendments	1, 9, 10, 13, 23	
11.11. Accessibility of Federal Facilities to the Handicapped Act (P.L. 91-205)	Elimination of Architectural Barriers to Physically Handicapped in Federally-Financed Buildings	9	

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
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